

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**  
**NORTHERN DIVISION**

**ROBIN SUTTON**

**Plaintiff**

**vs.**

**No. 3:20-cv-495**  
**JURY DEMANDED**

**KROGER CO.**  
**STORE NO. K026**  
**Registered Agent:**  
**CORPORATION SERVICES COMPANY**  
**2909 Poston Ave.**  
**Nashville, TN 37203-1312**

**Defendant.**

**NOTICE OF REMOVAL**

Comes now the defendant, Kroger Limited Partnership I ("Kroger"), incorrectly sued as "Kroger Co. Store No. K026," by and through counsel, pursuant to 28 U.S.C.A. § 1441, et seq. and the Federal Rules of Civil Procedure and hereby gives notices of its intent to remove the above-styled cause of action to the United States District Court for the Eastern District of Tennessee. For cause, the defendant would show the following:

1. The above styled-cause of action was commenced by the plaintiff filing a complaint on or about October 5, 2020, in the Circuit Court of Sevier County, Tennessee. (exhibit A, attached hereto). The defendant was served on October 19, 2020, and less than thirty (30) days prior to filing this Notice. (exhibit A).

2. Plaintiff's complaint asserts a personal injury claim for civil damages against the defendant. The plaintiff alleges that she was injured when she slipped and fell while on the defendant's premises. The plaintiff alleges that the defendant was negligent in maintaining its premises in a safe

condition. The plaintiff seeks damages in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00).

3. Plaintiff is and alleged to be a citizen and resident of Tennessee. The named defendant, Kroger Co., is an Ohio corporation doing business in the State of Tennessee. The correct defendant, Kroger Limited Partnership I, is an Indiana partnership doing business in the State of Tennessee.

4. As a result of the complete diversity of citizenship of the parties, and the fact that the plaintiff has sued the defendant in the amount, exclusive of interest and costs, exceeding Seventy-Five Thousand Dollars (\$75,000.00), the defendant avers that pursuant to 28 U.S.C.A. § 1441, et seq., it is entitled to have this action removed to this Honorable Court.

5. Less than thirty (30) days have elapsed since the defendant was served with a summons and a copy of the complaint in the above-styled cause of action.

WHEREFORE, based on the foregoing, the defendant hereby submits this notice of removal of the above-styled cause of action from the Circuit Court of Sevier County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Northern Division.

Respectfully submitted:

/s/ Federico A. Flores  
CLINT J. WOODFIN, BPR# 016346  
FEDERICO A. FLORES, BPR #029806  
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Partnership I  
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### CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2020 the Clerk of Court was requested to file a copy of the foregoing corporate disclosure statement. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

James A. H. Bell  
Jacob Feuer  
The Law Offices of James A. H. Bell, P.C.  
10 Emory Place  
Knoxville, TN 37917

/s/ Federico A. Flores  
Federico A. Flores, BPR #029806